REMARKS

Applicants have received the Office Action dated March 19, 2007, in which the Examiner rejected claims 3-5, 8-11, 13, 15-17 and 20-21 under 35 U.S.C. § 102(b) as being allegedly anticipated by Guler (U.S. Pub. No. 2002/0174052, hereinafter "Guler").

With this Response, Applicants amend claims 3, 8, 13 and 20. Reconsideration is respectfully requested.

I. ART-BASED REJECTIONS

A. Claim 3

Claim 3 stands rejected as allegedly anticipated by Guler. Applicants amend claim 3 to more clearly define over Guler's high level selection of auction type.

Guler is directed to automated decision support system for designing auctions. (Guler Title). In particular, Guler appears to be concerned with assisting selection of an auction type taking into consideration factors that are beyond the knowledge of the person selecting the auction type (termed "unknown elements" by Guler).

> [T]he automatic decision support system 10 estimates the unknown or unobservable elements of the market structure of the auction by extracting the joint distribution of private information of the bidders (e.g., the probability distribution of bidders' willingness to pay, the probability distribution of the number of potential bidders) from bid data extracted from the historical auction data of similar auctions. In particular, the automatic decision support system 10 estimates the unknown elements of the market structure by (1) expressing unobservable variables in the bidding model in terms of the observable bid data, and (2) applying known statistical density estimation techniques to the expression so as to obtain an estimation of the unknown elements. In doing so, the automatic decision support system 10 enables the user (either a seller or a buyer) of the system 10 to factor the distribution of bidders' private information into his/her decisions regarding the appropriate auction procedure to conduct the auction.

(Guler Paragraph [0038]). Based on the unknown or unobservable elements, a particular bidding model or auction type (*e.g.*, Dutch auction, English auction,

first-price-sealed-bid auction) is selected or suggested. (Guler Paragraph [0041]). Guler appears to be concerned only with selecting from disparate bidding models (*e.g.*, Dutch auction, English auction, first-price-sealed-bid auction), not selection of a feedback rule to be used within a particular bidding model.

Claim 3, by contrast, specifically recites, "providing information regarding an online **auction type** to a computer system; and predicting, by a software program executing on the computer system, an auction outcome **for each of a plurality of potential feedback rules** for the online auction type; allowing an auction end-user to select a feedback rule to implement from the plurality of potential feedback rules based on the predicted auction outcomes; and implementing a single auction using the feedback rule selected by the end-user." Applicants respectfully submit that Guler fails to expressly or inherently teach such a system. In particular, Guler appears to be concerned with selecting a particular auction type (*e.g.*, Dutch auction, English auction, first-price-sealed-bid auction). Even if it is hypothetically assumed that each auction type uses a different form of feedback (which Applicants do not admit), Guler still fails to expressly or inherently teach "predicting, by a software program executing on the computer system, an auction outcome **for each of a plurality of potential feedback rules** for the online auction type."

Based on the foregoing, Applicants respectfully submit that claim 3, and all claims which depend from claim 3 (claims 4 and 5), should be allowed.

B. Claim 8

Claim 8 stands rejected as allegedly anticipated by Guler. Applicants amend claim 8 to more clearly define over Guler's high level selection of auction type.

Claim 8 specifically recites, "wherein the processor executes the auction program stored on the non-volatile memory and wherein the auction program, prior to implementing an auction of a particular auction type, predicts an auction outcome for each of a plurality of feedback rules for the particular auction type; and wherein the processor, executing the auction program, selects one of the plurality of feedback rules to implement based on the predicted auction

outcomes." Applicants respectfully submit that Guler fails to expressly or inherently teach such a system. In particular, Guler appears to be concerned with selecting a particular auction type (*e.g.*, Dutch auction, English auction, first-price-sealed-bid auction). Even if it is hypothetically assumed that each auction type uses a different form of feedback (which Applicants do not admit), Guler still fails to expressly or inherently teach "wherein the processor ... predicts an auction outcome for each of a plurality of feedback rules for the particular auction type."

Based on the foregoing, Applicants respectfully submit that claim 8, and all claims which depend from claim 8 (claims 9-11), should be allowed.

C. Claim 13

Claim 13 stands rejected as allegedly anticipated by Guler. Applicants amend claim 13 to more clearly define over Guler's high level selection of auction type.

Claim 13 specifically recites, "modeling, for a particular auction type and for each of a plurality of feedback rules, an auction outcome using, at least in part, the parameters supplied by the auction end-user." Applicants respectfully submit that Guler fails to expressly or inherently teach "modeling, **for a particular auction type** and for each of a plurality of feedback rules, an auction outcome using, at least in part, the parameters supplied by the auction end-user."

Based on the foregoing, Applicants respectfully submit that claim 13, and all claims which depend from claim 13 (claims 15-17), should be allowed.

D. Claim 20

Claim 20 stands rejected as allegedly anticipated by Guler. Applicants amend claim 20 to more clearly define over Guler's high level selection of auction type.

Claim 20, by contrast, specifically recites, "wherein prior to holding an online auction the means for reading and executing programs executes the auction program stored on the means for storing, predicts an auction outcome for each of a plurality of potential feedback rules for an auction of a particular type, and selects one of the plurality of feedback rules to implement based on the predicted auction outcomes." Applicants respectfully submit that Guler fails to

expressly or inherently teach a system that "predicts an auction outcome for each of a plurality of potential feedback rules **for an auction of a particular type**, and selects one of the plurality of feedback rules to implement based on the predicted auction outcomes."

Based on the foregoing, Applicants respectfully submit that claim 20 should be allowed.

II. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Mark E. Scott/

Mark E. Scott
PTO Reg. No. 43,100
CONLEY ROSE, P.C.
(512) 391-1900 (Phone)
(512) 320-9181 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400